

Notice of Allowability

Application No.

09/707,885

Examiner

Mark Ruthkosky

Applicant(s)

CHIAVAROTTI ET AL.

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/30/2005.
2. ☒ The allowed claim(s) is/are 15 and 18-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/357,300.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

MARK RUTHKOSKY
PRIMARY EXAMINER
Mark Ruthkosky 9/1/05

DETAILED ACTION

Claim Rejections - 35 USC § 102

The rejection of claims 15 and 18-20 under 35 U.S.C. 102(b) as being anticipated by Yamada et al. (US 5,723,232) is withdrawn by the examiner following the decision of the BPAI, of record.

Allowable Subject Matter

Claims 15 and 18-20 are allowed.

The following is an examiner's statement of reasons for allowance:

The instant claims are to a battery comprising a negative electrode including a substrate and an impermeable or substantially impermeable conductive layer of graphite on the substrate.

The most pertinent prior art has been applied. Yamada et al. (US 5,723,232) teaches a carbon electrode for a non-aqueous secondary battery wherein an electrode comprises a substrate with a layer of graphite added to the substrate. For example, the material is prepared by forming a slurry including graphite and a polymeric binder (col. 6, lines 20-30). The slurry is added to both sides of a nickel substrate and the material was dried at elevated temperatures. The electrode was further heat-treated at high temperatures (see examples 1-2, 8 and comparative example 2.) A similar method is provided in the instant application in order to prepare the impermeable or substantially impermeable conductive layer of graphite on the substrate. With regard to claim 19, figure 6 shows a battery wherein the case is provided as positive and negative connectors. The electrodes include graphite. The electrodes and corresponding case elements

Art Unit: 1745

are in contact to transfer electrical charge. With regard to claim 20, the battery may be lithium as shown throughout the reference, and specifically in claim 8. Example 16 shows the negative electrode to be opposite positive electrodes and layered with separators in between. Figure 6 shows a battery wherein the case is provided as positive and negative connectors. The electrodes and corresponding case elements are in contact to transfer electrical charge.

See the board decision for reasons why this reference does not read upon the instant claims. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Examiner Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Ruthkosky whose telephone number is 571-272-1291. The examiner can normally be reached on FLEX schedule (generally, Monday-Thursday from 9:00-6:30.) If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached at 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 1745

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Ruthkosky

Primary Patent Examiner

Art Unit 1745


9/1/05